

**REMARKS**

Claims 2 and 4 have been canceled. Amended claims 1, 3, and 5 are in this application.

Claims 1-5 were provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claim 2 and 11 of copending Application No. 10/533,612.

Independent claims 1, 3 and 5 have been amended herein. Accordingly, it is respectfully requested that the above 101 rejection be withdrawn.

Claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by WO 02/078388 A2 (Bienek et al.).

Amended independent claim 1 now recites in part the following:

"said plurality of digital filters being defined such that the reflective sounds are focused at the location of the listener and such that a sound pressure reduced point of direct sounds outputted from one or more of the speakers of the speaker array is at the location of the listener." (Emphasis added.)

The above-identified features of claim 1 are believed to be described in the present application. As an example, reference is made to lines 13-14 of page 7, lines 13-25 of page 13 and Fig. 1 of the present application.

Thus, in claim 1, reflective sounds are focused at the location of the listener and a sound pressure reduced point of direct sounds is also located at the same location of the listener.

It is respectfully submitted that Bienek as applied by the Examiner does not appear to disclose such features of claim

1. That is, in explaining the above 102 rejection with regard to claim 2, the Examiner appears to assert that the description of the "Third Aspect of the Invention" on pages 26-27 and Fig. 11 of Bienek disclose some of the above-identified features of claim 1. In response, although such portions of Bienek appear to mention the use of a window function to reduce the effects of side lobes, such portions do not appear to disclose ". . . the reflective sounds are focused at the location of the listener and . . . a sound pressure reduced point of direct sounds outputted from one or more of the speakers of the speaker array is at the location of the listener." (Emphasis added.)

Therefore, it is respectfully submitted that claim 1 as presented herein is distinguishable from Bienek as applied by the Examiner.

For reasons similar to those previously described with regard to claim 1, it is also respectfully submitted that amended independent claims 3 and 5 are also distinguishable from Bienek as applied by the Examiner.

As it is believed that all of the rejections set forth in the Official Action have been overcome, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicants' attorney at (908) 654-5000 in order to overcome any additional rejections and/or objections which the Examiner might have.

Application No.: 10/706,772

Docket No.: SONYJP 3.0-1025

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By 

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